

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20CV523

LISA ANTOINE,

Plaintiff,

Vs.

DELANCY LLC d/b/a VITAL
MEDICAL STAFFING and
JURNEY'S OF STATESVILLE,

Defendants.

ORDER

This matter is before the Court upon its own motion. The *pro se* Plaintiff filed a Motion for Summary Judgment on January 10, 2022. Defendant filed a Response in Opposition unaccompanied by any supporting materials. For example, Defendant states on page 1 of its brief in response:

Defendant has contended that Plaintiff was terminated from employment based on Plaintiff's inconsistent job performance and poor attendance history. Defendant has further asserted that during her time as an employee, Plaintiff was cited or disciplined at least six (6) times for various violations of performance and attendance policies. Defendant also provided oral warnings to Plaintiff each time a placement facility called Defendant to complain about Antoine, the last of which came from her final placement (Jurney's) on or about March 28, 2019, which was the second complaint from Jurney's about Antoine, this time coming from the Director of the facility, stating that Antoine was unprofessional, bullying staff at the facility, and sleeping on the job. The foregoing allegations were made directly to Delacey Lindsey, the owner of VMS, and the same person who hired Antoine.

Doc. No. 57, p. 1. Rule 56(c) provides that "[a] party asserting that a fact cannot be or is genuinely disputed must support the assertion by: (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information,

affidavits or declarations, . . . admissions, interrogatory answers, or other materials.” Defendant’s response failed to submit or cite to any supporting affidavits, documents, or other evidence.

Rule 56(e) of the Federal Rules of Civil Procedure provides that “[i]f a party fails to properly support an assertion of fact . . . as required by Rule 56(c), the court may: (1) give an opportunity to properly support or address the fact.” Fed. R. Civ. P. 56(e). The court will allow the Defendant to amend its brief **to comply with Rule 56(c)**. Defendant is directed to file such amendment no later than May 30, 2022.

IT IS SO ORDERED.

Signed: May 16, 2022

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

